

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 05-4279

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

ANDRES URIBE CORTES, a/k/a Andria Uribe
Cortez,

Defendant - Appellant.

Appeal from the United States District Court for the Western
District of Virginia, at Harrisonburg. Samuel G. Wilson, District
Judge. (CR-04-30051)

Submitted: June 30, 2006

Decided: July 18, 2006

Before WILKINSON, KING, and SHEDD, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Helen E. Phillips, Stanardsville, Virginia, for Appellant. John L.
Brownlee, United States Attorney, Donald Ray Wolthuis, OFFICE OF
THE UNITED STATES ATTORNEY, Roanoke, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Andres Cortes appeals his conviction and 168-month sentence imposed upon his guilty plea to conspiracy to possess with intent to distribute cocaine, possession with intent to distribute cocaine, and possession of a firearm by an illegal alien, in violation of 18 U.S.C. § 922(g)(5)(A) (2000) and 21 U.S.C. §§ 841(a)(1), 846 (2000). Counsel for Cortes has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), in which she states there are no meritorious issues for review, but presenting the issue of whether Cortes' plea was knowingly and voluntarily entered. Although informed of his right to file a pro se supplemental brief, Cortes has not done so.

The Government has filed a motion to dismiss Cortes' appeal. Cortes' plea agreement included a provision by which he agreed to waive his right to appeal "any sentencing guidelines factors or the Court's application of the sentencing guidelines factors to the facts of my case." Cortes knowingly and voluntarily agreed to this provision. We conclude that the appeal waiver is valid and enforceable. Therefore, Cortes has waived his right to appeal. See United States v. Blick, 408 F.3d 162, 168 (4th Cir. 2005).

In accordance with Anders, we have reviewed the entire record in this case and have found no meritorious issues for appeal. We therefore grant the motion to dismiss Cortes' appeal.

Counsel has moved to withdraw from further representation. We deny the motion at this juncture. This court requires that counsel inform Cortes, in writing, of the right to petition the Supreme Court of the United States for further review. If Cortes requests that a petition be filed, but counsel believes that such a petition would be frivolous, counsel may then move in this court for leave to withdraw from representation. Counsel's motion must state that a copy thereof was served on Cortes.

We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED